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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/818,158 03/14/97 ANDREWS

G R0996-141

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LM02/0510

EXAMINER

VU, T

ART UNIT

PAPER NUMBER

2756  
DATE MAILED:

05/10/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/818,158

Applicant(s)

Andrews et al

Examiner

Thong Vu

Group Art Unit

2756



☒ Responsive to communication(s) filed on Feb 22, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-37 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed Mar 14, 1998 have been fully considered but they are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-37 are rejected under 35 U.S.C. § 102 [e] as being unpatentable over Foley et al [5,706,502]

As per claim 1, Foley et al taught *a computer program* or Java program [col 4 line 30] *residing in the memory, said computer program dynamically prompting* [col 5 line 3] *a user to select which of said plurality of page components* or web documents [col 4 line 49] *to download when downloading a file referencing* [col 4 line 37] *the plurality of page components*. By this rationale claim 1 is rejected.

As per claims 2 and 3, Foley et al taught *computer program comprises a web browser application* [col 4 line 59], and *file comprises a hypertext markup language (HTML) document* [col 10 line 37]. By this rationale claims 2,3 are rejected.

As per claim 4, Foley et al taught *the component download selection mechanism dynamically creating a component download selection list when said file with said plurality of page components is download* such as icon representing the applet [col 4 line 25, 30-45]. By this rationale claim 4 is rejected.

As per claim 5, Foley et al taught *computer program comprises a web browser and wherein said component download selection list is formed in a second pane or second portfolio* [col Fig 6] *of said web browser and displayed with said file*. By this rationale claim 5 is rejected.

As per claim 6, Foley et al taught *the component download selection list is formed in a dialog box* [col 5 line 65]. By this rationale claim 6 is rejected.

As per claim 7 Foley et al taught *the component download list is inserted or embedded into said file and displayed to a user with said file* [col 3 line 65]. By this rationale claim 7 is rejected.

As per claim 8 Foley et al taught *component download selection list contains the file name for each of said plurality of page components* [col 4 line 54]. By this rationale claim 8 is rejected.

As per claim 9 Foley et al taught *component download selection list contains the type for each said plurality of components* [col 5 line 48]. By this rationale claim 9 is rejected.

As per claim 10 Foley et al taught *component download selection list contains the size of each said plurality of page components* as the inherent feature of file manager [col 4 line 4]. By this rationale claim 10 is rejected

As per claim 11 Foley et al taught *component download selection list includes a status item* or icon specification [col 6 line 41] *said status item dynamically displaying the amount of each of said plurality of page components that has been downloaded* [col 3 line 4-8]. By this rationale claim 11 is rejected.

As per claim 12 Foley et al taught *status item includes the percentage of a page component downloaded* such as the inherent feature of Run, Copy or Import submenu [col 6 line 63]. By this rationale claim 12 is rejected.

Claims 13-32 contain the same limitations that were addressed in rejecting claims 1-12 above. By the same rationale applied above , claims 13-37 are rejected.

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### *Conclusion*

3. All claims are rejected.
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Beaudet et al.** Dynamic Hierarchical Selection Menu [USP 5,689,668]

- **Reed et al.** Computer Based communication System And Method Using Metadata

Defining A Control Structure [USP 5,862,325]

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703) 305-4643. The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Frank Asta*, can be reached on (703) 305-3817 or via e-mail addressed to [frank.asta@uspto.gov]. The fax number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [thong.vu@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Thong Vu*  
**Apr 28, 1999**

  
**FRANK J. ASTA**  
**SUPERVISORY PATENT EXAMINER**  
**GROUP 2700**